

PENNSYLVANIA

How Does Pennsylvania Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

Environmental justice embodies the principles that communities and populations should not be disproportionately exposed to adverse environmental impacts. Historically, minority and low-income Pennsylvanians have been forced to bear a disproportionate share of adverse environmental impacts. It is our duty to ensure that all Pennsylvanians, especially those that have typically been disenfranchised, are meaningfully involved in the decisions that affect their environment and that all communities are not unjustly and/or disproportionately burdened with adverse environmental impacts. Simply put, environmental justice ensures that everyone has an equal seat at the table.¹

The Pennsylvania Department of Transportation (PennDOT) defines environmental justice as the implementation of [Executive Order \(EO\) 12898](#), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which directs procedures to be put in place to identify and address any disproportionately high and adverse human health or environmental effects on minority and low-income population groups. The fundamental principles of environmental justice can be defined as:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.²

Environmental Justice Mapping Tools:

Environmental Justice Areas are mapped on DEP's Environmental Justice Areas Viewer at dep.pa.gov/EJViewer. Further, mapping and GIS tools allow DEP to display environmentally relevant data to contractors and the public via [eMap](#).

¹ PDEP, *Office of Env't Justice*, <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/pages/default.aspx> (last visited July 5, 2022).

² PennDOT, *Environmental Justice*, <https://www.penndot.pa.gov/ProjectAndPrograms/RoadDesignEnvironment/Environment/environmental-policy/Pages/Environmental-Justice.aspx> (last visited July 5, 2022).

For data on geographical regions of Pennsylvania: (1) Equity Analysis for the Greater Philadelphia Region - v2.0 ([dvrpc.org](https://www.dvrpc.org)); (2) Equity Analysis for the Greater Philadelphia Region DVRPC's Indicators of Potential Disadvantage³; (3) Data LV, Equity in the Lehigh Valley, [LVPC's Equity Analysis](#).

How Does Pennsylvania Consider Environmental Justice in its Substantive Actions⁴?

Environmental Justice as a Policy of the Environmental Agency or Across All Agencies:

N/A.

Consideration of Environmental Justice in Permitting:

The Environmental Justice Public Participation Policy is a critical part of DEP's environmental justice work, providing guidelines for DEP's approach to public engagement for permit application reviews in Environmental Justice Areas. If the facility will be located within an Environmental Justice Community, DEP recommends following the steps outlined below: (1) Become familiar with the [Environmental Justice Enhanced Public Participation Policy](#). Contact the [Environmental Justice Coordinator in your region](#); (2) Engage the local community early in the process; and (3) schedule at least one public meeting. The Environmental Justice Coordinator will assist in planning an effective community meeting.

Consideration of Environmental Justice in Enforcement:

N/A.

Consideration of Environmental Justice in Land Use:

N/A.

State Environmental Policy Act "Mini-NEPA":

N/A.

Dedicated Funding to Environmental Justice Communities:

N/A.

Consideration of Cumulative Impacts:

N/A.

Prohibitions on Disparate Impact Discrimination:

³ DVRPC, Equity Analysis for the Greater Philadelphia Region, <https://www.dvrpc.org/webmaps/IPD/> (last visited July 5, 2022).

⁴ Substantive is defined as governing the original rights and obligations of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/substantive_law (last visited July 5, 2022).

PennDOT cites Title VI.⁵

Established Environmental Rights:

The PA Constitution provides that "[t]he people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."⁶

How Does Pennsylvania Address Environmental Justice in its Procedures⁷?

Environmental Justice as Part of Environmental Agency's Mission:

N/A.

Environmental Justice as Part of Other Agency's Mission:

N/A.

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

PennDOT has two programs to meet federal compliance, Every Voice Counts: Environmental Justice Moving Forward⁸ and Project Level Environmental Justice Guidelines.⁹ However, there is no intent on the part of PennDOT to give the procedures in this guidance weight or deference. This document establishes the framework within which PennDOT will exercise its administrative discretion in the future. PennDOT reserves the discretion to deviate from this guidance if circumstances warrant.¹⁰

- Grievance Procedures:

N/A.

- Enhanced Public Participation and Information Access:

⁵ PennDOT, *Title VI Program*, <https://www.penndot.gov/about-us/EqualEmployment/Pages/TitleVI.aspx> (last visited July 5, 2022).

⁶ Pa. Const. art. I § 27.

⁷ Procedural is defined as rules and the methods used to ensure the rights of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/procedural_law (last visited July 5, 2022).

⁸ PennDOT, *Every Voice Counts: Moving Environmental Justice Forward*, Pub. 737, available at <https://www.dot.state.pa.us/public/pubsforms/Publications/PUB%20737.pdf> (last visited July 5, 2022).

⁹ PennDOT, *Project Level Environmental Justice Guidelines*, Pub. 746, available at <http://www.dot.state.pa.us/public/pubsforms/Publications/Pub%20746.pdf> (last visited July 5, 2022).

¹⁰ *Id.*

The Department is currently in the process of revising the Environmental Justice Public Participation Policy (Policy).¹¹ The draft EJ Policy includes several sections to expand and improve upon the existing Environmental Justice Public Participation Policy which has been in effect since 2004. The Department is focused on incorporating a community engagement process to ensure inclusive community voice around its creation. The new updated Policy is proposed to include: revised environmental justice areas/population definition; interagency collaboration and environmental justice planning; environmental justice mapping, resource and data development; grantmaking practices around environmental justice; translation processes; and environmental justice training for Department staff and external partners.¹²

The existing Environmental Justice Policy from 2004 will remain in effect until the revised policy is created.¹³ Below are highlights of the Policy and recommended approaches for enhancing public participation. Appendix A of the policy includes a list of permits which trigger the Environmental Justice Public Participation Policy.

Community Outreach:

- DEP strongly encourages applicants to meet with community stakeholders. DEP notifies the applicant early in the process when a permit application meets the criteria for environmental justice, and, when appropriate, provides assistance to the applicant with outreach initiatives.
- DEP produces and distributes project summary documents regarding the proposed activity.
- DEP provides stakeholders with information regarding proposed permit conditions and, when needed, offers clarification to help make project details more apparent.

Public Information:

- DEP encourages the use of electronic, conventional and non-conventional methods of spreading information to community members.
- Public Notices are written in terminology easily understood by the majority of readers within the environmental justice area.

¹¹ PDEP, *Environmental Justice Policy Revision*, <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/Policy-Revision.aspx> (last visited July 5, 2022).

¹² *Id.*

¹³ PDEP Policy Office, *Environmental Justice Public Participation Policy*, 012-0501-002, *available at* <http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=7918&DocName=ENVIRONMENTAL%20JUSTICE%20PUBLIC%20PARTICIPATION%20POLICY.PDF%20> (last visited July 21, 2022).

- Notices are placed in publications widely read by the community in those areas, and placed locally in areas of high visibility. Examples of effective vehicles for notification include, but are not limited to local newspapers, community newsletters, church bulletins, public service announcements and notices on local radio and television stations, notices posted in areas of high foot traffic, notices to local environmental groups, and notices to local community centers.
- Applicants are encouraged to mail all the appropriate information about the project to those in an environmental justice area.

Public Meetings:

- Pre-application meetings: As part of the enhanced public participation strategy, DEP strongly encourages potential applicants to meet with community stakeholders prior to submitting an application to DEP.
- Informational meetings: DEP, in coordination with the applicant, schedules an informational meeting within 30 days of receipt of the application. The purpose of the meeting is to inform the residents of the scope and nature of the project in a timely, interactive manner. This meeting is in addition to any other currently required public meetings and/or hearings.
- Applicant's role: Applicants are encouraged to fully participate in the meeting, and may take the lead in setting up and conducting the meeting. It benefits everyone when the meeting takes place as early in the process as possible. DEP's Environmental Justice Coordinators are available to advise or to help applicants advertise the meeting to the local community, particularly those who are closer to the facility.

Summary of Application:

- DEP provides a summary of the application that explains the project in terms understandable to the majority of readers within an environmental justice area. A sample summary (PDF) is available.¹⁴ This summary addresses the purpose and location of the proposed activity or facility, and anticipated impacts. These summaries can also be used in other aspects of public outreach.

¹⁴ PDEP, The Municipal Authority of the City of Sunbury Municipal Waste Transfer Station Upgrade Project Summary, *available at* https://files.dep.state.pa.us/PublicParticipation/Office%20of%20Environmental%20Advocacy/EnvAdvocacyPortalFiles/2012/EJ_websiteupdate/Plain%20Language%20Summary.pdf (last visited July 5, 2022).

- Document Availability - Access to relevant information is vital to meaningful participation. DEP's efforts to ensure participation include:
 - Identification of convenient locations where the public can review applications
 - Additional support on how to locate materials in a file
 - If needed, extended hours for file review or reviews by appointment, including evenings and weekends.
- Language Access:

N/A, but FAQ available in Spanish.¹⁵
- Consultation with Indigenous Communities and Tribal Nations:

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams;

- Environmental Justice Coordinating Agency:

The DEP has an Office of Environmental Justice. In 1999, DEP developed a statewide Environmental Justice Work Group (EJWG). In 2001, the EJWG produced the Environmental Justice Work Group Report which recommended to the DEP to develop an Environmental Justice Advisory Board and an Office within DEP to address environmental justice issues. In 2002, DEP established the Office of Environmental Advocate as a resource and a point of contact for addressing environmental concerns, and to foster community involvement by increasing community awareness.¹⁶

- Environmental Justice Coordinator:

N/A.

- Environmental Justice Advisory Board:

The Environmental Justice Advisory Board (EJAB) is charged with overseeing the implementation of DEP's Enhanced Public Participation Policy. EJAB provides a forum for protecting the health of communities, especially communities with the greatest concentration of environmental risks. The EJAB shall review and make recommendations

¹⁵ PDEP, FAQs Espanol, https://files.dep.state.pa.us/PublicParticipation/Office%20of%20Environmental%20Advocacy/EnvAdvocacyPortalFiles/2012/EJ_websiteupdate/FAQs%20Espanol.pdf (last visited July 5, 2022).

¹⁶ PDEP, *Mission Statement*, <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/default.aspx> (last visited July 5, 2022).

to DEP management on existing and proposed regulations and policies that impact the environmental health of communities. EJAB also provides a forum for stakeholders to share environmental concerns in their communities.

- *Funding for Environmental Justice:*

N/A.

Additional Pennsylvania Environmental Justice Provisions?

N/A.

Pennsylvania Environmental Justice Contacts?

Title VI Manager:
Bureau of Equal Opportunity
DBE / Title VI Division
Pennsylvania Department of Transportation
PO Box 3251
Harrisburg, PA 17105-3251
(717) 783-0301¹⁷

Civil Rights Specialist:
U.S. Department of Transportation
Federal Highway Administration
Pennsylvania Division
228 Walnut Street, Room 508
Harrisburg, PA 17101-1720
(717) 221-3461¹⁸

Environmental Justice Advisory Board
717-783-2300

Kathleen Snyder
Office of Environmental Justice
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
717-783-2300

¹⁷ DVRPC, *Title VI and Environmental Justice*, <https://www.dvrpc.org/getinvolved/titlevi> (last visited July 5, 2022).

¹⁸ *Id.*

General Inquiries¹⁹
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Harrisburg, PA 17101
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Download the [Office of Environmental Justice At a Glance](#).
Download the [Office of Environmental Justice Trifold Brochure](#).

Where to Find Pennsylvania Environmental Justice Laws, Policies, and Tools?

Constitutional Provisions:

- Pa. Const. art. I § 27.

Executive Orders:

N/A.

Legislation and Statutes:

N/A.

Regulations:

N/A.

Policies/Guidance:

- <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/PA-Environmental-Justice-Areas.aspx>.
- <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/pages/default.aspx>.

¹⁹ PDEP, *Contact Us*, <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/Contact-Us.aspx> (last visited July 5, 2022).

- <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/For-Permit-Applicants.aspx>.
- <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/Links.aspx>.
- <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/Contact-Us.aspx>.
- <https://www.penndot.gov/ProjectAndPrograms/Planning/Pages/Environmental-Justice-Plan.aspx>.

Mapping Tools:

- DEP emap; <https://gis.dep.pa.gov/emappa/>.
- EJ Viewer: dep.pa.gov/EJViewer.
- [Equity Analysis for the Greater Philadelphia Region - v2.0 \(dvrpc.org\)](https://www.dvrpc.org/equity-analysis).
- [DATA LV \(lvpc.org\)](https://www.lvpc.org/datalv).

Other:

N/A.